

3.3.5 Lower Village Business District

3.3.5.1 Purpose

This section is intended to implement the vision for Lower Village articulated in the Lower Village Revitalization Subcommittee Final Report and 2010 Master Plan. The standards and requirements of the Lower Village Business District (LVBD) section are provided to meet the following goals and objectives:

- Incentivize development in Lower Village to organize as a livable, pedestrian-oriented village center, where people of all ages and abilities can safely navigate by vehicle, bike and on foot;
- Encourage architecture and site planning that fits the character, and historical context of Stow, and offers a safe, inviting, accessible center;
- Create an attractive gateway to Stow, which leverages the tourism draw of the Town's seasonal attractions through the creation of civic spaces that offer residents and visitors space to connect and congregate;
- Provide opportunities for residents to meet, socialize, shop and recreate;
- Encourage opportunities for small-scale mixed-use development that provides for diversified housing opportunities that complement and enhance uses in the village;
- Utilize low impact development and green infrastructure to manage stormwater in a manner that adds to the landscape aesthetic;
- Develop site plans that create a balance of vehicle, bike and pedestrian infrastructure to enliven and unify the streetscape around a cohesive look and feel;
- Manage site access along Great Road to complement access management goals of the Lower Village Streetscape Improvements, including opportunities for inter-lot connections.

3.3.5.2 Applicability

The site and design criteria and standards within this Section shall be applicable to all Parcels within the district. A Special Permit shall be required for the following:

- a) Any new building construction;
- b) A change in building use, or a significant alteration of an existing building facade;
- c) Work which results in the increase of floor area through either an addition to the principal structure; addition of a new accessory structure, or significant change to an existing accessory structure;
- d) Any activity requiring a new curb cut, and/or alteration to the circulation pattern of pedestrian and vehicles, including but not limited to any increase in the number of parking spaces provided.

3.3.5.3 Definitions

3.3.5.4 Special Permit Granting Authority

The Planning Board shall act as the Special Permit Granting Authority for any and all Site Plan Review and Special Permit procedures associated with allowed USES under Section 3.3, and in accordance with Zoning BYLAW Section 9.2 - Special Permits, 9.3 - Site Plan Review and the Lower Village Design Guidelines. In determining compliance with the following standards on all LOTS in the LVBD, the Planning Board shall consult the Lower Village Design Guidelines and solicit advice from the Design Review Committee as applicable.

3.3.5.5 Application Procedures

An application for a Special Permit to develop and use land in the Lower Village Business District in accordance with the provisions of this section shall be submitted in writing in such form as described herein, in accordance with any Rules and Regulations for Lower Village Business District Special Permits that the Planning Board may adopt.

Where proposed work is also subject to Design Review in accordance with Section XX of this Bylaw, the Applicant shall be responsible for submitting one full copy of the completed Special Permit Application and Design Review Application to the Design Review Committee.

3.3.5.5.1 Application Contents

The applicant shall be responsible for submitting the following materials and documentation at the time of application as applicable. All drawings shall be to scale.

- a. Completed Design Review Committee application.
- b. Color photographs showing existing buildings and site conditions on and adjacent to the proposed project area.
- c. Building elevations showing the proposed configuration, details, and adjacent site/building conditions.
- d. Plans showing footprint and relationships of structures, including relationship to structures on contiguous lots.
- e. Full lot and building section, including relationship of building height and street width.
- f. Other plans (including landscaping), sections, elevations and detailed drawings as to demonstrate design attributes are being addressed.
- g. Samples of finished materials.
- h. Samples of colors.
- i. Utility plans, including location of underground utilities existing or proposed.

3.3.5.6 Design Review Committee

In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, a Design Review Committee is hereby established. The Design Review Committee shall review applications for Design Review subject to the provisions of this section and shall make recommendations to the Planning Board concerning a proposal's conformance to the design review standards contained herein.

The Design Review Committee shall publish and make available to the public, on request, a Lower Village Design Guideline manual as applicable detailing the specific design attributes cited above to illustrate the purposes of this section, as well as Rules and Regulations for applications to the Design Review Committee.

3.3.5.6.1 Term

The Planning Board shall appoint three members and two alternates to the Design Review Committee. The initial three members of the Committee shall be appointed so that one member shall serve for one year, one member shall serve for two years, and one member shall serve for three years, and, thereafter, when the term of any member expires, successors shall be appointed for three-year terms. Alternate members, who may act when a member is unavailable or unable to participate in a matter on account of a conflict of interest, shall be appointed to serve for one year.

3.3.5.6.2 Composition

The Planning Board shall include recommended qualifications in any vacancy notice for the Design Review Committee, including, but not limited to a stated preference for residents that are Registered Architects, Landscape Architects or persons with equivalent professional training.

3.3.5.6.3 Applicability

The Design Review Committee shall be responsible for review of the following type of work in the Lower Village Business District:

- New construction of STRUCTURES and PARKING facilities;
- Exterior alterations and renovations or expansion of buildings (except for pre-existing single-family dwellings as specified in Section 3.9);
- New or modified permanent and/or free standing signs;
- Site Plan alterations that require Site Plan review, in accordance with XX.

3.3.5.6.4 Design Criteria

The Design Review Committee shall evaluate the proposed site and building construction or alterations pursuant to Section 3.3 of the BYLAW and the design criteria set forth in the Lower Village Design Guidelines, including but not limited to review of the following:

- Massing, spacing of buildings;
- Building façade, roofline and window spacing patterns;
- Placement and orientation of buildings within a lot and in relation to streets, access drives, parking areas, off street loading areas and pedestrian infrastructure;
- Architectural details, materials, and color;
- Roof slopes, shapes and height;
- Signage and lighting;
- Landscaping;

- Public and civic spaces.

3.3.5.6.5 Review Procedure

The Design Review Committee shall review the Application and submit its written findings, recommendations and suggested conditions to the Planning Board within **XX** days of the receipt of Application filing. Any such findings shall specifically identify the relevant design criteria set forth in this Lower Village Design Guidelines to which they pertain. Failure by the Design Review Committee to make and transmit its recommendation within the **XX** day period allocated shall be considered a recommendation for approval of the application as submitted, unless the applicant was granted an extension in a public meeting or in writing.

Applicants are strongly encouraged to request a preliminary consultation with the Design Review Committee prior to submission of a formal application for design review. The purpose of a preliminary meeting is to discuss design alternatives during the early planning stages. Such a request may be made by submitting one or two preliminary design alternatives in rough sketch form to the Planning Office, which shall immediately transmit them to the Design Review Committee. The Design Review Committee shall meet with those requesting preliminary consultations within twenty-one (21) days of receipt of a written request.

The Design Review Committee may request that the Applicant appear at a Public Meeting to provide further clarification on the Application. Recommendations provided by the Design Review Committee to the Planning Board and Applicant shall be advisory in nature.

3.3.5.6.6 Signs Not Subject to Approval by Planning Board or Zoning Board of Appeals

Applications to erect or modify a sign in the Lower Village Business District, which is not subject to approval by the Planning Board or the Board of Appeals, shall, prior to submitting the sign permit application to the Building Inspector, submit to the Design Review Committee a scale drawing specifying sign dimensions, materials, illumination, letter size and styles, colors, and structural elements, and showing the proposed location of the sign on the lot or building with all relevant measurements, for a written determination that the proposed sign conforms to the Lower Village Design Guidelines. No sign permit for a sign in the Lower Village Business District shall be approved without a copy of the Design Review Committee's determination attached to the sign permit application submitted to the Building Inspector.

3.3.5.7 Use Provisions

The following USEs are allowed by Special Permit in the Lower Village Business District:

- Small-scale retail store or service establishments
- Business or professional offices, including banks and U.S. Post Offices;
- Restaurant or other place for serving food and/or beverages, including breweries with a public tap room component, but not including establishments with drive-through service windows.
- Owner-occupied Bed and Breakfast homes or establishments;

- Mixed-use development consisting of two or more of the above-listed uses.
- Mixed-use/residential development consisting of one or more of the above-listed uses together with construction of dwelling units in accordance with Section XX.
- USEs not otherwise permitted in the Lower Village Business District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Lower Village Business District.

The following USEs are expressly prohibited:

- Businesses whose principal mode of sales is through the use of a drive through window or in which customers are primarily provide payment from within their vehicle;
- Storage of vehicles, equipment and/or materials not incidental to an allowed use within the BYLAW;
- Motor vehicle service stations and other services that primarily exist for the purpose of providing services to motor vehicles.

3.3.5.8 Buffer to Abutting Districts

Where a STRUCTURE, BUILDING abuts the Residential District, the Planning Board shall require a substantially opaque landscaped buffer of (50)?(30)?(20)? feet, which is designed to minimize impacts from abutting residential parcels.

- a. Where a STRUCTURE, BUILDING is proposed within XX feet of an existing single family dwelling unit in the abutting Residential District, the Planning Board may increase the width of the landscaped buffer to XX feet and/or require installation of a fence not more than 8' feet in height.

3.3.5.8.1 All Parking Lots and loading areas shall be setback (10') feet from the abutting Residential or Recreation Conservation District, and shall include a landscaped buffer, designed in accordance with Section 3.3.5.20 of this Bylaw.

- a. Where a parking lot or loading area is proposed within XX feet of an existing single family dwelling unit in the abutting Residential District, the Planning Board may increase the width of the landscaped buffer to XX feet and/or require installation of a fence not more than 8' feet in height.

3.3.5.9 Performance Standards

The Planning Board shall require compliance with the following standards on all LOTs in the Lower Village Business District. In determining compliance, the Planning Board shall consider the following general criteria in addition to consulting the Lower Village Design Guidelines and soliciting comment from the Design Review Committee.

General Criteria

- Adequacy of the site in terms of the size of the proposed use(s);
- Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;
- Suitability of the site for the proposed use(s);
- Impact on traffic and pedestrian flow and safety;
- Impact on the visual character of the village center and the surrounding neighborhood;
- Adequacy of utilities, including sewage disposal, water supply, and stormwater drainage;
- Impact of the proposal on the existing mix of structures and businesses in the Village Center Overlay District;
- The proposed hours of operation of the commercial components of the MIXED USE DEVELOPMENT and the proposal to limit impacts of noise from the commercial uses on the residential components of the MIXED USE DEVELOPMENT and any adjacent residential uses;
- Other criteria the Planning Board may consider.

3.3.5.9.1 *Mixed-Use Residential*

The inclusion of mixed-use residential development in this Bylaw is meant to provide for increased activity and business in the Lower Village, as well as provide for an increased number of smaller housing units available in Stow.

Mixed Use Standards

Location within Structures	Mixed-Use residential development shall be prohibited from the ground floor of any BUILDING in the LVBD except as allowed in accordance with Section 3.3.5.10 of this BYLAW.
Maximum Number of Bedrooms	Two (2)
Dwelling Units Per Acre	Four (4)

3.3.5.10 *Ground Floor USEs*

The ground floor of a commercial or MIXED-USE building shall be occupied by USES that promote an active streetscape and are designed to provide appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces. Allowed ground floor uses include but are not limited to retail and service establishments, restaurants, and/or medical or business offices.

- Ground floor USEs in BUILDINGS that abut STREETS within 30 feet or within 30 feet of the edge of pavement from private ways designed to look and function as a pedestrian scaled retail, service or shopping area shall have not less than 40% transparent windows in the façade of the facing street.

- No more than XX% of the total square footage of all windows along the façade facing the street or private access, shall contain adhesive graphics, banners, signs or other window treatments that block or otherwise alter typical transparent window views into the interior of the unit.
- *Garage doors, including loading bays and docks are prohibited from the front façade of BUILDINGS.*

Ground Floor Residential USES, as part of a MIXED-USE building or site plan, shall not have frontage along the ground floor, except to allow for stairway access to a second floor unit.

3.3.5.11 *Dimensional Requirements*

The Lower Village Business District development shall consist of work developed on a single parcel, or on multiple parcels under one ownership, with definite boundaries ascertainable from a deed or recorded plan. There shall be no minimum width, frontage, or lot area for a Lower Village Business District development. The Planning Board shall require compliance with all other performance standards outlined in this Bylaw and in accordance with the findings of the Design Review Committee.

Any PARCEL or LOT created in the LVBD, inclusive of any proposed USE, BUILDING or STRUCTURE, which lacks frontage on a STREET or way, or adequate width for the use intended, shall provide evidence of deeded, legally enforceable access rights through a private driveway or access road.

3.3.5.12 *Setbacks*

Notwithstanding the buffer requirements in Section 3.3.5.8 of this BYLAW, the setback range for BUILDINGS and STRUCTURES shall be ten (10') feet to thirty (30') feet from a STREET. This range allows for adequate pedestrian infrastructure along the street, while incentivizing BUILDINGS and STRUCTURES to orient toward Route 117.

The Planning Board may alter the required front yard setback where it is found that such alteration will meet one or more of the following criteria:

- Improve the location and usage of pedestrian plazas, civic spaces and other required or proposed civic spaces;
- Improve traffic circulation to parking areas located the side or rear of the proposed USE;
- Allow for BUILDINGS to be more oriented to the STREET and/or more accessible to pedestrian and bike users.
- Allow for BUILDINGS to be oriented to private access drives that provide the function and appearance of a traditional village center streetscape.

In the case of a proposal in which new structures are being added to the rear of an existing structure to be retained as part of the proposed development, the Board may waive the maximum front yard setback. Unless as approved under a LVBD Special Permit, no lot on which a building is located shall be reduced or changed in size or shape so that the existing building or lot fails to comply with the dimensional provisions of this Bylaw.

3.3.5.12.1 The minimum Side Yard Width shall be 0 feet except where the property shares a lot line with a Residential District within the Lower Village Business District, in which case the requirements of Section 3.3.5.8 shall apply.

3.3.5.12.2 The minimum rear yard depth shall be 0 feet, except where the property shares a lot line with a Residential District, in which case the requirements of Section 3.3.5.8 shall apply.

3.3.5.13 *Incorporation of PUBLIC SPACE*

PUBLIC SPACE, including landscaped areas and pedestrian and bike amenities shall contribute to the village character of a development; provide links between PARCELS and USEs where applicable, and be designed to encourage pedestrian and bike accessibility.

Types of PUBLIC SPACE:

Outdoor PUBLIC SPACE allowed in the LVBD include:

- a) Civic Space - Publicly-owned or controlled parks, active and passive recreation areas, civic buildings, and other gathering spaces that are fully available to the general public;
- b) Publicly Oriented Private Spaces (POPS)
Gathering spaces on private land primarily serving the residents, businesses and patrons of the principal building or development site, and generally available to the public;

3.3.5.14 Required PUBLIC SPACE

All developments requiring an LVBD Special Permit and/or Site Plan Approval shall have XX% of the land area allocated as PUBLIC SPACE. The PUBLIC SPACE must be usable, open, and available to the general public, and may consist of, plazas, arcades, courtyards, sitting areas, greens, commons, bicycle accommodations, walking paths and sidewalks. Where multiple lots or buildings are assembled together, the required amount of PUBLIC SPACE is the cumulative amount of all land area in the SITE shall be taken into account for the 10% requirement.

Up to XX% of low impact development and/or green infrastructure techniques, including but not limited to rain gardens, xeriscape landscapes, swales and other techniques for managing stormwater may be incorporated into the PUBLIC SPACE requirement where such management techniques improve the aesthetics and/or functionality of the PUBLIC SPACE.

3.3.5.14.1 The Planning Board may reduce the percentage of PUBLIC SPACE required to below 10% where some combination of the following criteria can be met:

- The proposed BUILDING, STRUCTURE or USE is oriented in a manner that provides access and/or connection to an abutting PUBLIC SPACE;
- Low Impact Development and/or green infrastructure techniques, including but not limited to rain gardens, xeriscape landscapes, swales and other techniques for managing stormwater are found by the Planning Board to improve the aesthetics and/or functionality.

3.3.5.15 *Building Design and Layout*

Building Orientation to Street

Main Entrance Design Requirements

3.3.5.16 *Maximum Height of Structures*

The maximum height of Non-Residential and MIXED USE BUILDINGs and STRUCTUREs shall be 35 feet. The intent is to allow three occupied floors with the uppermost occupied floor to be within a sloped roof to lessen the visual mass. No BUILDING shall have more than three (3) stories.

3.3.5.17 *Ground Cover / Floor Area Ratio*

Ground coverage of an LVBD development by buildings and other impervious surfaces shall not exceed XX% of the total LOT area, except where the Planning Board authorizes a greater coverage based on recommendations from the Design Review Committee or to further the goals expressed in the Lower Village Design Guidelines.

The maximum useable square footage for any one commercial unit in a BUILDING or STRUCTURE shall be limited to 15,000 square feet.

3.3.5.18 *Parking Requirements*

3.3.5.18.1 *Purpose*

Parking and circulation design shall be focused on providing accommodations for vehicles, cyclists and pedestrians. The design of parking and circulation shall create a network of pathways and accesses to promote walking to, from and within the SITE. Each site will be designed to be cognizant of its relation to neighboring SITE's, utilizing inter-lot connections and shared access arrangements where feasible.

3.3.5.18.2 *Minimum Parking Accommodations*

The base parking minimums for the Lower Village Business District shall be developed in accordance with Section 7.3.3 of the Zoning Bylaw and shall apply to individual uses in the Lower Village Business District. As part of the Special Permit process for the Lower Village Business District, the applicant may request reductions to Schedule of Minimum Parking or propose alternative methods for meeting the required parking standards.¹ Parking for residential uses, as part of MIXED USE DEVELOPMENT shall be kept to 1.5 spaces maximum per unit except as provided below.

The Planning Board shall consider the following when determining a reduction in the required parking minimums:

- The extent to which the parking design maximizes pedestrian flow to, from and within the development;
- The existence of shared parking arrangements;
- Parking studies and/or reports from qualified professionals indicating alternative parking needs for the USE proposed.

3.3.5.19 *Location of Parking Facilities*

Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS, to the rear of a pedestrian plaza or underground. Where parking is located to the rear of BUILDINGS, with additional BUILDINGS behind, a quadrangle effect may be created allowing parking, landscaping, and walkways / bikeways within this center area surrounded on all sides by shops and activity centers.

No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of

¹ Smart Growth/ Smart Energy Toolkit – TND_INC Model Bylaw

another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, unless the pedestrian plazas are located in the rear of a BUILDING when viewed from a STREET. No driveway or parking lot shall intersect or be mixed with a pedestrian plaza as part of the development's PUBLIC SPACE requirement.²

3.3.5.19.1 The Planning Board may allow for driveways, accesses or parking lots to be located between a BUILDING and a STREET where the following design goals can be demonstrated:

1. The parking lot, access or driveway will create the appearance of a streetscape through the use of BUILDING architecture and pedestrian amenities that will further activate the SITE. Where the Planning Board makes such a finding, parking space design shall be limited to the use of parallel or diagonal parking spaces, and/or;
2. The access or driveway will facilitate an inter-lot connection that cannot be provided due to pre-existing conditions on the abutting or subject PARCEL and which will improve the overall safety, circulation and aesthetics of the site;

3.3.5.19.2 Inter-lot Connections

The Site Plan Special Permit Granting Authority shall require driveway and walkway connections to abutting LOTS where practicable. Where such connections are not available due to existing conditions on abutting LOTS, provisions shall be required to connect to such abutting LOTS at a future date in locations determined by the Site Plan Special Permit Granting Authority or parking areas may be rearranged in accordance with Section 3.3.5.19.1(2) above.³

3.3.5.19.2 Off-Street Parking and Loading Area Design

Any parking area serving a USE or USEs allowed in the LVBD shall be designed in compliance with the following standards and the Lower Village District Design Guidelines. Required parking spaces, loading areas and driveways shall be provided and maintained with suitable grading, paved surfaces, adequate drainage, and landscaping.

3.3.5.20.1 *Perimeter Landscaping Requirements*

Off-street parking and loading areas which are located within XX feet of a Residential District or a Recreation-Conservation District boundary (whether on the side or rear) shall be screened from all adjacent LOTS in said district by a landscaped buffer strip of at least ten (10) feet in width through the use of an opaque screen. Said screen shall be opaque from the ground to a height of at least six (6) feet with growth of plantings expected to reach an intermittent visual obstruction height of at least twenty (20) feet. An opaque screen is

² Adapted from Acton's proposed *Kelly's Corner Master Planned Development Overlay District*

³ [Town of Acton Zoning Bylaw, April 2016](#)

intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, FENCE, landscaped earth berm or densely planted vegetation in a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Stow. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide.

3.3.5.20.2 *Perimeter Planting Strip*

Parking lots adjacent to STREETS, sidewalks, paths or ACCESS driveways shall include a perimeter planting strip at least seven and one half (7.5) feet wide. However, if the planting strip is protected from vehicular damage through the use of planting beds that are raised above the surface of the parking lot at least twelve (12) inches or through the use of bollards, balustrades or concrete wheel stops, the width of the planting strip may be reduced to five (5) feet. Said planting strip shall feature a physical separation of the parking lot and adjacent ways of at least two and one-half (XX) feet in height. This physical separation may be created through the use of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination of plantings and fencing. No more than twenty percent (20%) of this perimeter planting strip shall be impervious.

- a) *Shade trees – One shade tree shall be provided for each two thousand (2,000) square feet or less of pavement area. Each shade tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 20 feet in height at maturity; be seven (7) feet in height with a trunk caliper size of at least 3/4 inches at the time of planting; and be surrounded by a landscaped area of one hundred square feet (100 sq. ft.) to accommodate the root system of the tree. Additional landscaping may be required by a Special Permit Granting Authority to better screen the parking lot from the STREET and adjacent USES.*
- b) *Plantings – Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover.*
- c) *Sight Distance – All landscaping along any STREET FRONTAGE shall be placed and maintained so that it will not obstruct sight distance.*

Protection of Landscaped Areas – Landscaped areas shall be planted and protected in such a manner that the plantings will not be damaged by vehicles.⁴

⁴ Town of Acton Zoning Bylaw, April 2016

3.3.5.20 Curbcuts

Each LOT may have one ACCESS DRIVEWAY through its FRONT YARD, which shall be twenty-four (24) feet wide. The Planning Board may allow for an additional curbcut, or a wider curbcut where one or some combination of the following findings can be made:

- *The existing geometry of Great Road at a preferred access point precludes safe accommodations for emergency apparatus and/or anticipated delivery vehicles;*
- *Results of signal study indicate that additional vehicle accommodations, including but not limited to additional turning lanes, requires a wider curbcut;*
- *Additional pedestrian and/or bike accommodations are provided to mitigate the additional or wider curbcut, including but not limited to pedestrian refuge islands, signals, bike boxes, and painted bike lanes.*

Street Design Standards

Mandatory Findings

No Special Permit shall be issued unless the Planning Board is able to make the following findings as applicable to the use proposed. The proposed use shall:

1. Increase the range of housing options for people of different income levels and different life stages;
2. Enhance pedestrian access to buildings and between sites and promote site features and layouts conducive to walking and bicycling;
3. Promote integration of physical design and interaction among activities;
4. Encourage compatibility with the historic nature and character of the Town;
5. Include best practice provisions for energy and environmental design for structures and orientation, including Low Impact Development (LID) practices for storm water management;
6. Comply with all applicable requirements of this bylaw.